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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,321	07/28/2003	Jeffrey D. Kimble	STD 1188 PA/41213.538	4448

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EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,321

Applicant(s)

KIMBLE ET AL. *ST*

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 12-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lumpkin (US 2,925,675) in view of Larsen (US 6,279,255). Lumpkin shows a card holder with a first ply (1) and second ply (2) each of flexible plastic material. Each ply has an upper surface and a lower surface. Each ply is rectangular with co-extending respective sides. The plies are attached to one another by adhesive and crimping around three of the edges to define a pocket. Lumpkin does not disclose that the adhesive is an ultraviolet radiation curable adhesive. Lumpkin, is silent as to any type of adhesive. Larsen shows a tag made of flexible plastic material. The tag has a front portion and back portion. The front and back portions are attached by bond (50). Larsen discloses numerous types of bond, including adhesive formulations that can be cured by ultraviolet light. Since Lumpkin is silent as to the type of adhesive used, one wishing to make and use the Lumpkin invention would necessarily have to decide upon an adhesive to use. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lumpkin by using an adhesive that can be cured by ultraviolet radiation as taught by Larsen. The

motivation would be to make and use the Lumpkin invention with an adhesive that is known in the art.

3. Regarding claims 2-5, Lumpkin discloses that the plies are mad of flexible plastic material, such as vinyl. Larsen discloses numerous material of manufacture for plastic labels, including polyester and polypropylene (column 4, lines 60-65). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Lumpkin by using polyester or polypropylene as the flexible plastic for the plies. The motivation would be to optimize design parameters such as manufacturing costs, durability, and weight.

4. Regarding claims 6 and 7, Lumpkin discloses that the plies are mad of flexible plastic material, such as vinyl.

5. Regarding claim 8, Lumpkin discloses a pressure sensitive adhesive (6) on the lower surface of the first ply.

6. Regarding claim 9, Lumpkin shows a release ply covering (7).

7. Regarding claim 12, Lumpkin discloses that the first ply is opaque.

8. Regarding claim 13, Lumpkin discloses that the first ply is opaque but does not disclose that it is white. Lumpkin does not specify any color. It is within the range of knowledge of the skilled artisan to make the opaque first ply any color. As long as the ply is opaque, the particular color does not affect the functionality of the apparatus. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lumpkin by making the first ply white. The motivation would be to enhance the aesthetic value of the apparatus.

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9. Regarding claim 14, Lumpkin teaches that the second ply is transparent.

10. Regarding claims 15-22 and 24-27, the elements of claims 15-22 and 24-27 are present in the modified invention of Lumpkin in view of Larsen as described above.

Lumpkin disclose that the holder is attached to an automobile by the adhesive (6). The automobile is a reusable container. The holder carries an information card (5) with information about the items (people) in the container (car).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lumpkin in view of Larsen as applied to claim 9 above, and further in view of Blum (US 4,159,586). Lumpkin in view of Larsen does not show that the release ply covering has a die cut or slit for facilitating removal. Blum shows a flexible plastic film (14) with a pressure sensitive adhesive that is covered by release ply (24). The release ply has a serrated edge that facilitates removal. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Lumpkin by adding a serrated edge to the release ply. The motivation would be to facilitate removal of the release ply.

12. Claims 1, 8, 11, 15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoddart (US 4,531,312) in view of Larsen (US 6,279,255). Stoddart shows a card holder with first ply (26) and second ply (22) of plastic material. The plies are rectangular with co-extending respective edges. The plies are joined along three edges by spacers to form a pocket that holds a card. Stoddart is silent as to how the plies are fixed to the spacers. Larsen shows a tag made of flexible plastic material. The tag has a front portion and back portion. The front and back portions are attached

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by bond (50). Larsen discloses numerous types of bond, including adhesive formulations that can be cured by ultraviolet light. Since Stoddart is silent as to how the plies are fixed to the spacers, one wishing to make and use the Stoddart invention would necessarily have to decide upon an adhesive to use. It is well known and common to attach pieces of plastic by using adhesives. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stoddart by using an adhesive that can be cured by ultraviolet radiation as taught by Larsen. The motivation would be to make and use the Stoddart invention with an adhesive that is known in the art.

13. Regarding claim 8, Stoddart shows a pressure sensitive adhesive (34) and a peelable backing sheet (36) on the bottom surface of the first ply.

14. Regarding claim 11, Stoddart teaches that the card holder is permanently attached to the surface of a suitcase (column 2, lines 30-35). Therefore, the adhesive (34) is a permanent adhesive.

15. Stoddart in view of Larsen as described above includes the elements of claims 15, 22, and 23.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horwin ('913) shows a card holder formed of two plastic plies that are glued together along three edges. Rupert et al. ('434) shows a card holder that has two plies, the front is transparent, the back is opaque, the two are attached by adhesive spacer. Maloney ('004) shows a card holder that uses ultraviolet curable adhesive.

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Goserud ('775) shows a card holder that has two plies that are adhesively attached along three edges to form a pocket. Schnitzer et al. ('914) shows a card holder that comprises ultraviolet curable adhesive. Vihos shows a card holder with two plies attached to each other by a spacer, and an ultraviolet curable adhesive fixes the plies to the spacer.

17. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9306. The fax number directly to the examiner for unofficial communications is 703-746-3548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew D. Wright
Patent Examiner
Art Unit 3617

Andrew D. Wright
8-25-04
ANDREW D. WRIGHT
PRIMARY EXAMINER